

OCT 12 2006

Docket No. BAC-0029

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Gregory James Newell  
Serial No. : 10/609,276  
Filing Date : June 27, 2003  
Art Unit : 3652  
Examiner :  
For : RECONFIGURABLE POWER HANDLING DEVICE

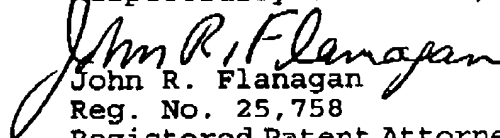
Commissioner for Patents      Attn: Office of Petitions  
P.O. Box 1450                      Derek L. Woods  
Alexandria, VA 22313-1450      Attorney

SIR:

FACSIMILE COVER LETTER

Transmitted herewith is a reconsideration request entitled "Renewed Petition Under 37 CFR 1.181" in response to the "Decision On Petition" dated October 6, 2006 dismissing Applicant's "Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181", filed May 22, 2006. Also transmitted are Attachments (E) and (F) to the Renewed Petition. No petition fee is required.

Respectfully submitted,

  
John R. Flanagan  
Reg. No. 25,758  
Registered Patent Attorney

P.O. Box 2629  
Eugene, OR 97402  
(541) 687-4754  
Fax: (541) 687-5707

Date: Oct 12, 2006CERTIFICATE OF TRANSMISSION  
BY FACSIMILE UNDER 37 CFR 1.8(a)

I hereby certify that this and the attached correspondence is being facsimile transmitted to the United States Patent and Trademark Office, to Fax No. (571) 273-8300 on October 12, 2006.

John R. Flanagan, Reg. No. 25758  
Name of patent attorney mailing paper

  
Signature of John R. FlanaganRegistration Number: 25758

**RECEIVED  
CENTRAL FAX CENTER****OCT 12 2006**

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Commissioner for Patents      Attn: Office of Petitions  
P.O. Box 1450                      Derek L. Woods  
Alexandria, VA 22313-1450        Attorney

SIR:

RENEWED PETITION UNDER 37 CFR 1.181

Applicant hereby requests reconsideration of the "Decision On Petition" dated October 6, 2006 dismissing Applicant's "Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181", filed May 22, 2006, in view of the following:

1. The Decision On Petition contained no discussion of Applicant's undersigned attorney's representation that Mr. Wallace of the PTO had reported to the undersigned attorney that no reply was necessary since "no outstanding issues remained" because the overdue funds had been "paid by Collins".

2. Submitted herewith from the record of this application is a paper which the undersigned has marked as Attachment (E) which is a letter dated Nov. 17, 2003 from the PTO to the original attorney of record, Brian Collins. This letter states that applicant is required to submit the following: \$385 filing fee; and \$50 fee for processing a returned check.

3. Also submitted herewith from the record of this application is a paper which the undersigned has marked as Attachment (F) which is correspondence from Brian Collins to the PTO dated Dec 29, 2003 (note that Collins is still attorney of record at this date since the new power of attorney had not yet been filed) explaining how the returned check had inadvertently happened. Mr. Collins submitted his new check in the amount of \$440 to cover items which he erroneously identified as \$375 for the

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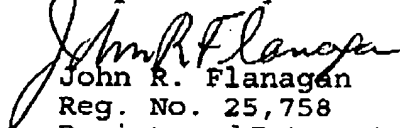
filing fee and \$65 for the late payment fee. It should be noted that the PTO letter, Attachment (E), did not charge a \$65 late fee.

4. So, the total additional fees due as calculated by the PTO letter was \$435 and the amount paid by Mr. Collins was \$440 which left a \$5 overpayment in Applicant's favor. The foregoing supports the statement by Mr. Wallace to the undersigned on Feb. 27, 2004, that "no outstanding issues remain" since the overdue funds had been paid by Mr. Collins.

5. The undersigned attorney submits that the above explanation supported by Attachments (E) and (F) which are papers of record in this application provide a sufficient factual basis for the granting of this renewed petition and withdrawal of the notice of abandonment. The Corrected Notice of Incomplete Reply dated Feb 23, 2004 was in error. This is the implication of Mr. Wallace's statements. No reply to the "Corrected Notice" in the form of payment of additional fees to the PTO was necessary in view that the overdue funds had already been received. Accordingly, the statement on page 2 of the Decision On Petition that "the application became abandoned April 24, 2004" is not supported by the facts as set forth in the record, namely, in Attachments (E) and (F). An action withdrawing the notice of abandonment is respectfully solicited.

P.O. Box 2629  
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Respectfully submitted,

  
John R. Flanagan  
Reg. No. 25,758  
Registered Patent Attorney

Date: Oct 12, 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

ATTACHMENT (E)

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OCT 12 2006

November 17, 2003

Brian A. Collins  
218 Farm Meadow Lane  
Cheshire, Ct 06410

Re: Serial Number 10/609276

The purpose of this communication is to inform you, that your check, number 2652 dated, June 27, 2003, in the amount of \$375.00, has been returned by the bank. It was unpaid

The practice of the Office is to treat such returned checks as though the fee for which they were intended was never received. Therefore, the applicant is required to submit the following fee(s):

<u>  X  </u>	\$ 385.00 Filing Fee & CLAIMS
<u>      </u>	\$ 65.00 Sur Charge
<u>  X  </u>	\$ 50.00 fee for processing a returned check

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THE REQUIREMENTS OF THIS NOTICE IS SET TO EXPIRE TWO MONTHS OR SIXTY DAYS, WHICHEVER IS LONGER, FROM THE DATE OF THIS NOTICE.

FAILURE TO RESPOND WITHIN THIS PERIOD WILL RESULT IN THE APPLICATION BECOMING ABANDONED. 35 USC 133.

The filing receipt will not be mailed out until all fees are paid. If the filing receipt has already been mailed out, it is void if all the fees are not paid in a timely manner.

Further correspondence with respect to this matter should include a copy of this notice and be addressed to the following:

Commissioner of Patents and Trademarks

ATTACHMENT (F)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

OCT 12 2006

In re:	Patent application of Newell, James	: Atty. Docket No.: : BAC-0029 :
Serial No.:	10/609,276	: Examiner: :
Filed:	June 27, 2003	: : Group Art Unit: 3652
For:	RECONFIGURABLE POWER HANDLING DEVICE	: :

**PAYMENT OF FILING FEE AND SURCHARGE FOR LATE FILING FEE**

**Commissioner for Patents**  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the correspondence concerning the application fee in connection with the above-identified application. The PTO correspondence indicated that the applicant failed to make payment and is given this opportunity to make the necessary payment.

For the purposes of creating a record for the file, the Applicant noticed that the necessary filing fee had not been taken from his personal business account and called the Office on or about November 15<sup>th</sup> to obtain clarification. In discussions with PTO personnel, the Office representative indicated that payment had been received (i.e., check had cleared) and that no further action was required. At that time, due to certain changes made by my financial institution concerning account numbers, I believed that it was possible the fee was extracted from another account which I hadn't yet received any statements (i.e., to confirm whether payment had been made to the PTO). I subsequently received this notice and am now correcting the error made by my financial institution.

Please find enclosed a check in the amount of \$440.00 covering the initial fee of \$375.00 plus the late payment fee of \$65.00. I will request that the fee be waived in view of my attempt to correct the error in advance of the errors made, but the full amount is submitted to ensure that the Application does not go abandoned for lack of payment.

01/06/2004 00000120 10609277  
01 FC:2001 2001  
02 FC:1999 5000

01/06/2004 00000120 10609277  
01 FC:2001 2001  
02 FC:1999 5000

205.00 EP  
51.04 EP

**CERTIFICATE OF MAILING**  
**UNDER 37 C.F.R. 1.8(n)**

1000  
5070  
085.00 EP  
55.00 EP

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Brian A. Collins  
[Signature]  
[Signature]

DATE: November 29, 2005  
November 29, 2005

PHIPA361710N

01/12/2004 SUBTOTAL 00000002 10609276  
01 FC 2500 375.00 00